

Ms. Glass also served as Political Action Chairman of the NAACP, as Legislative Committee Chairman for Women's Issues, as a Member of the Democratic Party Committee, as a parishioner at the First Immanuel Baptist Church in Nyack.

Despite Ms. Glass' contributions—which were truly awesome—perhaps Bernice will be most remembered as a living link with a by-gone time: a time when racial justice was not a reality but a dream in the hearts of a few. Bernice shared this dream, and vowed early to dedicate her life to eradicating hatred, prejudice, and bigotry from her community and our nation. She did it through her sterling example, through her diligent work for all people, through education and persuasion, and most importantly of all, through love.

We extend our condolences to her daughter, Fannetta; her sisters, Mary, Nancy and Helen, and her five grandchildren.

Bernice Glass was part of a generation which witnessed the greatest advances in the cause of civil rights in all our nation's history. Let us bear in mind that these advances came about through the efforts and courage of Bernice Glass and people like her throughout our nation.

Bernice Glass will long be missed.

PUNJAB PEOPLE'S COMMISSION MUST BE PRESERVED

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BURTON of Indiana. Mr. Speaker, the effort by political leaders in Punjab to shut down the People's Commission is very disturbing. This commission was formed after the Akali Dal Government in Punjab, which promised to expose the genocide against the Sikhs, said that it would not appoint a commission to do so after all. In fact, the Chief Minister, Parkash Singh Badal, proudly boasts that his government has taken no action to punish any of the police officers responsible for this genocide.

This commission is not solely a Sikh organization. It was established by the Coordination Committee on Disappearance in Punjab, led by a Hindu human-rights activist, Ram Narayan Kumar. The three commission members are respected former Justices of the Indian Supreme Court, and two of the three are Hindus. And you might recall Mr. Speaker, it was the Indian Supreme Court that described the situation in Punjab, Khalistan as "worse than a genocide."

From August 8–10, 1998, the commission investigated 90 cases of genocide during its first meeting, and, as result, has requested those involved to bear the responsibility of their actions. Currently, the commission is investigating 3,000 more cases. In a country where over 250,000 Sikhs have been extrajudicially murdered by the police and other agents of the government since 1984, it is no wonder that the authorities don't want the truth to get out. They are afraid that when the light of truth shines on them, they will be exposed as collaborators in the genocide against the Sikhs.

America is the moral conscience of the world. We must not let this effort to bury the

genocide and evade responsibility for these crimes succeed. It is our solemn duty to do whatever we can to make sure that the People's Commission is able to complete its work, and that the people responsible for these murders, abductions, and other acts of torture are exposed and brought to justice. Mr. Speaker, I call on the President to instruct our Ambassador to India to intervene on behalf of the commission. I further urge my colleagues to impose tough sanctions on India until the commission has completed its efforts to expose the genocide; and I urge the United States of America to go on record for self-determination for the Sikhs of Punjab, Khalistan, so that they can decide their own fate in a free and fair election. That way, the repressive actions of the police can finally come to an end and real democracy can come once and for all to Punjab, Khalistan.

On September 3, 1998, the Hindustan Times ran a very informative article on the effort to close the People's Commission. I am placing it in the RECORD for the information of my colleagues. I hope we all will read it and consider the information therein.

THE HINDUSTAN TIMES 09/03 GOVT'S DISREGARD FOR PEOPLE'S PANEL IRKS RIGHTS ACTIVISTS

NEW DELHI: Human rights activists are irked by the Government's disregard bordering on disdain, for the People's Commission that has been hearing complaints of human rights violations in Punjab since the time when the State was in the thick of terrorism.

"How can the Government ignore the necessity to determine the facts," wondered Mr. Ram Narayan Kumar, convener of the committee for Coordination on Disappearance in Punjab. He was particularly livid that the commission was sought to be branded as "extra-judicial" by official agencies.

The commission is the brainchild of Justice (Retd) Kuldip Singh, who is a member of the Coordination Committee that functions as an umbrella organisation of Punjab-based human rights groups. The People's Commission was constituted, as a follow-up to the committee's first convention in December last year, as a functional-forum to defend human rights guaranteed under the Indian laws.

The complaints the People's Commission has been hearing, Mr. Kumar claimed, were based on facts revealing disappearances, custodial deaths and police torture. "The truth must come out. The incidents cannot be dismissed as forgotten past," he averred.

Mr. Kumar has to his credit two books providing a historical perspective to the human rights situation in the border State.

According to him, the political leaders, bureaucratic and intellectuals were indifferent to the problem of civil liberties and human rights.

"Nobody is interested in fact finding. But the facts cannot be suppressed. Thousands of those whose kin have disappeared are awaiting justice," Mr. Kumar said. Speaking on behalf of the committee, he claimed that the cases under scrutiny were based on extensive research work. "We want to propose reforms on the strength of facts and the existing law. Any attempt to vitiate the atmosphere might prove to be dangerous."

The Akali Dal had promised, before coming to power, that it would have a detailed inquiry conducted into the human rights violations. "But now they want to forget the past," he said.

During its first three-day session starting Aug. 8, the People's Commission heard complaints about alleged human rights viola-

tions at the time when Punjab was in turmoil. The "Bench" comprising three retired judges—Justices D.S. Tewatia, Justice H. Suresh and Justice Jaspal Singh—took up complaints of illegal abductions, custodial deaths, disappearances, summary executions and en masse illegal cremations.

The programmes adopted by the committee are aimed at countering, through an informed public opinion, the ongoing campaign for immunity for policemen charged with human rights violations; initiate a debate on vital issues of State power; organise compensation for the victims, and bring about change in domestic laws in conformity with the United Nations' instruments on torture and enforced disappearances.

Mr. Kumar dismissed the claims that the commission has been acting on the basis of one-sided stories. "We are willing to go into cases presented by widows of policemen killed by militants, we would be equally keen to study the instances they have documented," he said.

The commission's next sitting is scheduled from Oct. 23–25 in Ludhiana. However, the legal validity of its actions is doubted by experts.

MICROSOFT LITIGATION

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. CAMPBELL. Mr. Speaker, in recent months, I, along with several other members of Congress, have been visited by representatives of Microsoft, and high technology companies allied with and against Microsoft. The topic of the discussions has been the pending U.S. Department of Justice lawsuit against Microsoft. It has been my practice never to attempt to influence a matter in litigation, and I will follow that practice in this case. However, I do feel compelled to state that, whether the case that the Department has alleged ultimately proves successful in court or not, the Department of Justice in my view is on very solid antitrust ground in the theories it has advanced. I make that conclusion as a Professor of Law at Stanford University, as a former Director of the Bureau of Competition, the antitrust enforcement arm of the Federal Trade Commission, as a former member of the Council of the Antitrust Section of the American Bar Association, and as a former expert witness in several antitrust matters.

The Department's case is brought under a well established antitrust doctrine known as tying. A firm with a large share of one market can choose to utilize its market power to compel consumers to purchase another product that would be more properly viewed as in a separate market. Such cases are easily 80 years old in antitrust. Numerous decisions of the United States Courts of Appeals and the United States Supreme Court have dealt with this doctrine. It is absolutely safe to conclude that the tying of the sale of one product to the purchase of another, conduct compelled by a firm with market power, is a garden variety violation of the antitrust laws. Indeed, it is a per se violation of the antitrust laws. (I hasten to add that, as an academic, I have spoken and written against the use of per se theory in many areas of antitrust; preferring instead a

more careful analysis of the comparative benefits and harms to consumers from practices too readily condemned under the *per se* rubric. I would urge such a comparison here.) But what remains beyond reasonable disagreement is that the Department of Justice has premised its case on conservative antitrust principles, long upheld by the courts. Whether the Department can prove that the facts involved in Microsoft's marketing practices meet the legal standard for illegal tying, of course, remains to be proven in court.

The Department has also intimated that its case might be premised on a monopolization count: namely, that Microsoft's actions have had the purpose, and likely effect, of deterring the development of a new technology which, if allowed to develop, would render obsolete the very product, operating systems software, in which Microsoft currently has a dominant market position. Once again, such a theory is well known in antitrust, with examples from many industries from newspapers to petroleum, where companies have been taken to task under the antitrust laws for deterring customers from going to an alternative product.

I offer the foregoing statement at the request of several constituents who have asked my view on the matter. I do not anticipate any legislation on this matter, nor are my foregoing comments to be taken as any indication as to how I might vote should a legislative matter be presented that involves the kind of practices alleged here.

EMERGENCY FOOD ASSISTANCE
ENHANCEMENT ACT OF 1998

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the Emergency Food Assistance Enhancement Act of 1998. My bill increases the mandatory commodity purchase account from \$100,000,000 to \$120,000,000 and is still expected to save the taxpayers over \$200,000,000 over the next 4 years.

It is unfortunate, Mr. Speaker, that there is a need for food banks. Even though our farm-

er and ranchers are the most productive and efficient in the world, the need for food banks continues. Food banks often meet the needs of their communities by managing donations from the government and the private sector. Most government donations are the product of the emergency food assistance program. It is a unique program that has the ability to provide nutritious domestic agriculture products to needy Americans while at the same time providing support to the agriculture community. In the welfare reform bill, Congress made TEFAP commodity purchases mandatory because of the integral role this program has in the provisions of food assistance to needy families.

This program is a quick fix, something to get families through tough times. It gives them the support they need, but it doesn't ensnare them into a cycle of dependency for which other federal assistance programs are infamous. TEFAP purchases also provide much needed support to the agriculture community. While other food assistance programs are much larger, TEFAP has a more direct impact for agriculture producers, while at the same time providing food for those in need.

To pay for the \$20,000,000 increase for the TEFAP program, this bill strikes the provisions for new funding and spending conditions in the Food Stamp Employment and Training (E+T) Program that were included in the Balanced Budget Act of 1997. The bill gives TEFAP an additional \$20,000,000 a year and returns the rest to the U.S. treasury. In addition, it strikes the mandate that 80% of both new and previous Employment and Training funds must be used to provide state work or training slots for able-bodied adults without dependents who are subject to the work requirements within three months of receipt of food stamps.

Many states report that declines in the able bodied adults without dependents caseload has declined more dramatically than the overall food stamp caseload rate. In some states the able bodied adults without dependents caseload decline is ten times the rate of decline for the total food stamp caseload.

Due to the declining number of able bodied adults without dependents cases, restrictions on state spending of federal Employment and Training funding are leading to dramatic imbalances in the amount of funds available and services to this population and the rest of the

food stamp recipients. For example, the state of Texas estimates that it will have over 12 times more money available for able-bodied adults without dependents than for anyone else on food stamps. In real dollars, for example, that breaks down to \$491 for a single 23 year old male that is on food stamps compared to just \$40 for a 23 year old mother of four participating in the same program.

The able-bodied adults without dependents constitute only 25% of all employment and training program participants yet 80% of all the employment and training money is reserved for them. It is obvious that the needs of the able bodied adult without dependents and everyone else in the Employment and Training programs would be better served if the states could address the needs of all participants on an equal basis and promote self-sufficiency for all recipients.

Mr. Speaker, I am hopeful that the Emergency Food Assistance Enhancement Act will enjoy resounding and rapid support from the full House of Representatives. It is important that we increase authority for this important program and stop the wasteful spending on Food Stamp Employment and Training programs for people who refuse to participate. It is equally, if not more important, to send a message to the conferees assigned to the Agriculture Appropriations bill for fiscal year 1999 that TEFAP is a vitally important program and should be funded to its fullest extent.

PERSONAL EXPLANATION

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. STABENOW. Mr. Speaker, on rollcall vote No. 426, had I been present I would have voted "yes"; on rollcall vote No. 427, had I been present I would have voted "yes"; on rollcall vote No. 428, had I been present I would have voted "yes"; on rollcall vote No. 429, had I been present I would have voted "yes"; and on rollcall vote No. 430, had I been present I would have voted "yes."